



STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:

JEAN V. MILLER,

Complainant,

and

CRESS CREEK COUNTRY CLUB,

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CHARGE: 1990CA0501

EEOC: 21B893206

ALS NO: 7658

Respondent.

RECOMMENDED ORDER AND DECISION

Complainant filed a Motion for Sanctions¹, which was heard on June 14, 2001.

Complainant appeared, Respondent did not appear. Complainant also filed a Voluntary Motion to Dismiss.

Findings of Fact

1. On February 7, 2001, the parties settled this matter and an order was entered noting that the matter was settled and continuing this case to March 8, 2001 for status.
2. Prior to the March 8, 2001 hearing, Respondent's counsel indicated that the necessary releases would be forwarded shortly and that Respondent's attorney would appear March 8, 2001 and continue this matter for another settlement status date.
3. On March 8, 2001, Respondent did not appear and the matter was continued to April 11, 2001 in order to complete the settlement agreement. As of March 8, 2001, Respondent had not sent the necessary releases in order to complete the settlement.

¹ Complainant titles her motion as a motion to compel. In reality it is a motion for sanctions, so it will be referred to as such in this Recommended Order and Decision.

4. On April 11, 2001 both parties appeared and Complainant acknowledged receipt of the releases. The matter was continued to May 24, 2001 for another settlement status date.
5. Complainant's attorney returned the releases to Respondent's attorney and was told that the settlement check was mailed on or about April 20, 2001.
6. On May 24, 2001, Respondent did not appear and Complainant had not received the promised settlement check. This matter was continued to June 14, 2001 for another settlement status date.
7. Complainant filed the instant motion and on June 14, 2001 appeared before this tribunal and indicated that the settlement check had been received.
8. Complainant's attorney also indicated that he had made two unnecessary trips in order to secure the settlement agreement.
9. Complainant's attorney spent 3 ½ hours on each of these occasions. His fee is \$250 per hour with \$48.80 each day in travel expenses.

Conclusions of Law

Respondent's conduct in executing the settlement agreement in this case and its failure to appear at scheduled court dates has unreasonably delayed the proceedings in this case. It is therefore appropriate to award the Complainant sanctions.

Discussion

Respondent was served with Complainant's Motion for Sanctions. Respondent's conduct, as outlined in the Findings of Fact above, has unnecessarily delayed the proceedings in this case. On March 8, 2001 and May 24, 2001, Complainant's counsel made trips from Elgin, Illinois to the Commission's offices in Chicago attempting to complete the settlement

agreement in this matter. Respondent did not appear on those occasions and to date, has not given reasons to explain its non-appearances. Pursuant to Commission Rule 750(e) (5300.750(e)), it is appropriate to grant the Complainant sanctions in this matter.

Recommendation

Based upon the foregoing, the following is recommended:

1. Based upon Complainant's Motion for Voluntary Dismissal, this case is dismissed.
2. In addition to the \$10,000 already remitted to Complainant, Respondent is ordered to pay Complainant's attorneys fees in the amount of \$1750, plus \$97.60 in traveling expenses, totaling \$1847.60.

HUMAN RIGHTS COMMISSION

BY:
WILLIAM H. HALL
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: July 2, 2001